



BERLIN MAYOR AND COUNCIL

Meeting Agenda

Berlin Town Hall

10 William Street

Monday, August 10, 2020

SPECIAL NOTICE: We will be live streaming Mayor and Council Meetings during the ongoing Coronavirus/Covid-19 State of Emergency. Your patience and understanding as we work to meet the restrictions on gathering size, while still conducting Town business is truly appreciated.

- Meeting packets will be posted by 5:00 p.m. on the Wednesday before the meeting.
- Written questions will be accepted to provide the Mayor and Council the opportunity to review and discuss BY 12:00 PM/NOON on the day of the meeting. Submit to:
 - Email: info@berlinmd.gov, please use M&C Comments as your subject
 - Fax to: 410-641-2316
 - Mail to: Berlin Town Hall, Attn: M&C Comments, 10 Williams St., Berlin, MD 21811. Mail should be posted no later close of business on the Friday before the meeting to help ensure delivery.
 - Drop off in one of the two drop boxes at Town Hall – one is at the rear of the building behind the stair tower, and the other is at the corner of Bay and Williams Street on the building.

To access the Meeting via live stream on Facebook, please click on the blue Facebook icon at the top of any page on the Town website, www.berlinmd.gov, or type @berlinmd in the Facebook search bar.

No response will be given to questions and comments submitted via Facebook during a regular meeting.

PUBLIC HEARINGS: If a public hearing is scheduled, questions will also be taken via Facebook during the Public Hearing portion of that meeting. A staff member will monitor the questions for duplicates, language and appropriateness to the Public Hearing topic. Depending on the volume of questions, we may not be able address everyone.

Responses will be given out loud via the live stream; they WILL NOT be responded to via the comments on Facebook.



BERLIN MAYOR AND COUNCIL

Meeting Agenda

Berlin Town Hall

10 William Street

Monday, August 10, 2020

6:30 PM EXECUTIVE SESSION – Conference Room

- a. Pursuant to Section §3-305(b)(7) – To consult with counsel to obtain legal advice on a legal matter.

7:00 PM REGULAR SESSION – Council Chambers (livestream)

1. Approval of the Minutes for:
 - a. Regular Session of 07/27/20
2. Motions to Approve:
 - a. Motion 2020-20: Motion approving an application to the Community Parks and Playgrounds Program for SFY22 for permanent restrooms in Stephen Decatur Park in the amount of \$110,000
 - b. Motion 2020-21: Motion approving Mary Bellis to host a special event in the Town of Berlin for the American Cancer Society called Relay for Life of North Worcester Luminaria on October 3, 2020
3. Public Hearing for Resolutions: (questions not submitted prior to noon on Monday, June 22, 2020 will be taken via Facebook livestream) – Planning Director Dave Englehart
 - a. Resolution 2020-05: Re-zoning Worcester County Tax Map Number 25, Parcel 411, consisting of approximately 3.218 acres, from B-1 Town Center District to B-2 Shopping District – Two Farms Inc. 10712 Ocean Gateway (commonly known as the Harley Davidson Property)
 - b. Resolution 2020-06: Re-zoning Worcester County Tax Map Number 300, Parcel 1232, consisting of approximately 0.734 acres, from M-1 Light Industrial District to B-2 Shopping District – Douglas and Suzanne Park's property 115 Broad Street (commonly known as Southern States)
4. Discussion re: Draft Reserve Policy – Town Administrator Jeffrey Fleetwood and Finance Director Natalie Salah
5. Motion 2020-22: Motion approving reduction of sewer fund debt to general fund – Town Administrator Jeffrey Fleetwood and Finance Director Natalie Salah
6. Departmental Reports
7. Town Administrator's Report
8. Comments from the Mayor
9. Comments from the Council

10. Comments from the Public (Questions or comments submitted prior to 12 noon on Monday, August 10, 2020 will be addressed at this time. Questions submitted on Facebook will not be answered during the meeting except during the public hearing as applicable.)

11. Comments from the Press

12. Adjournment

Anyone having questions about the meetings mentioned above or needing special accommodations should contact Town Administrator Jeffrey Fleetwood at (410) 641-4002. Written materials in alternate formats for persons with disabilities are made available upon request.

*TTY users dial 7-1-1 in the State of Maryland.
TTY users outside Maryland dial 1-800-735-2258*



BERLIN MAYOR AND COUNCIL

Meeting Minutes

Monday, July 27, 2020

7:00 PM REGULAR SESSION – Berlin Town Hall Council Chambers

Present: Mayor Gee Williams, Vice-President Elroy Brittingham, Councilmembers Thom Gulyas, Zackery Tyndall, Dean Burrell, and Troy Purnell.

Staff Present: Town Administrator Jeff Fleetwood, Deputy Town Administrator Mary Bohlen, Finance Director Natalie Saleh, and Town Attorney David Gaskill.

Following the Lord's Prayer and Pledge of Allegiance, Mayor Williams called the meeting to order at approximately 7:00 PM.

1. Approval of the Minutes for:

a. Regular Session of 7/13/20:

On the motion of Councilmember Gulyas, the Regular Session minutes of July 13, 2020 were approved by the following vote:

Name	Counted toward Quorum				
	Aye	No	Abstain	Recused	Absent
Elroy Brittingham, VP	X				
Dean Burrell	X				
Troy Purnell	X				
Thom Gulyas	X				
Zackery Tyndall	X				
<i>Voting Tally</i>	5				

2. Special Event Application: Berlin Unity Celebration on Saturday, August 8, 2020 from 1 pm-4 pm
Mr. Adrian Bowen and Mr. Jeron Whaley representing the African American Coalition of Worcester County presented the request. Mr. Bowen discussed the plans and purposes for the event, including other participants, social distancing and hand sanitizing stations. Discussion followed.

Councilmember Burrell asked staff if National Night Out had been canceled, indicating that he felt there were many similarities between that event and the proposed event. Mr. Fleetwood read a letter from Chief Downing regarding the decision to cancel and Ms. Bohlen noted that the national organization had recommended that communities cancel the traditional August date. Mr. Burrell indicated that he was not in favor of encouraging the community to gather at a large event at this time. He indicated his appreciation of the spirit of the event but indicated that he could not vote in support.

Mayor Williams noted that the Town had cancelled all events at least through August due to the pandemic. Councilmember Burrell asked Messrs. Bowen and Whaley if they would consider postponing until later in the fall, perhaps in September or October. They indicated that they would consider that. Mayor Williams indicated that the spring and fall are the peak even seasons in Berlin

and that he believed people would be more receptive to gathering at a later date. Vice-President Brittingham agreed and asked that they consider changing the date.

Councilmember Tyndall encouraged using social media to promote the event and Councilmember Gulyas offered to assist with promotion. Mayor Williams noted that the Council could approve the concept of the event but requested that the organizer come back with a later date. No formal motion or vote was made.

3. Berlin Fire Company Quarterly Report

Mr. David Fitzgerald, representing the Fire Company and Emergency Medical Services presented the Mayor and Council with handouts illustrating the quarterly highlights of the organizations.

He reviewed the information regarding the Fire Company and noted that the breathing apparatus was being planned for a future capital expense. Brief discussion followed.

Mr. Fitzgerald reviewed the information regarding the EMS. He noted that the pandemic has had a negative impact on volunteer response.

Mayor Williams thanked him for the information and encouraged the Berlin Fire Company and EMS, along with other communities to work toward a more coordinated effort, particularly regarding EMS services in the county.

Following discussion, Mr. Fitzgerald indicated that it would be helpful for the Fire and EMS to be included in the planning process for new development.¹

Councilmember Tyndall asked how the pandemic has impacted the organization and Mr. Fitzgerald indicated that it was a strain on the organization. In response to an additional question, he elaborated that their supplies of Personal Protective Equipment (PPE) were sufficient.

Ms. Saleh asked Mr. Fitzgerald if they had applied for any of the grants or loans available during the pandemic; she noted that the Small Business Administration was offering funding specifically for non-profits. Mr. Fitzgerald indicated that the funds provided no guidance on how to spend the funds, and that the lawyers were advising to set the money aside and not spend it without that guidance.

4. Draft Reserve Policy

5. Discussion of sewer fund balance reduction owed to general fund
These two agenda items were discussed simultaneously.

Mr. Fleetwood provided information regarding the General Fund Balances as of June 30, 2019. Councilmember Purnell asked for clarification of the Committed Impact Fees of \$921,00 and Ms. Saleh noted that they were not committed to a specific project(s). Ms. Bohlen further clarified that they were committed in the sense that they must be spent for appropriate purposes and could not simply be absorbed into the General Fund.

¹ Follow-up with the Planning Department found that the Worcester County Fire Marshall's office is invited to participate in such discussions and to review such plans and to review with the local fire/EMS organizations.

Mr. Fleetwood initiated a review of the draft Reserve Policy. In response to questions and discussion, Ms. Saleh explained that the thresholds established if the policy was adopted were not expected to be immediately met; rather they would need to be planned for and the thresholds would set the future standards for those target balances. Councilmember Burrell asked Ms. Saleh to define several terms related to the funds, such as "spendable/non-spendable", "restricted", "assigned", and "committed" and Ms. Saleh did so.

Lengthy discussion continued.

Councilmember Tyndall asked that this information be provided as part of the budget process. Ms. Saleh indicated that these numbers were not related to the budget in that the budget did not include revenues or expenses to increase or decrease the reserve amounts. Lengthy discussion continued with Mr. Fleetwood and Ms. Saleh noting that the reserve funds were held in case of emergency and that, if funds were transferred to cover an emergency expense, a plan to replenish the funds would also need to be addressed at that time. Discussion continued. Mr. Fleetwood noted that reserve funds already exist for Health Care and a Community Center, the decision(s) to establish those funds having been made in prior years. Councilmember Purnell noted that the funds represented a commitment for future dollars. Councilmember Tyndall indicated that the first goal should be to establish a reserve of three-month's worth of expenditures. Discussion continued.

Mayor Williams read several questions from Marie Velong which had been submitted prior to the meeting:

- The reserve policy should not require any increase in taxes to be accomplished. Mayor Williams agreed and noted that they were unrelated.
- Please explain again why the Sewer Fund Balance money was borrowed from the General Fund and whose decision it was to do this for over 4 years. Ms. Saleh indicated that this did not happen over just four years but that the money was borrowed to cover expenses.
- What would happen if the Sewer Fund Balance that was "borrowed" from the General Fund wasn't paid back and was forgiven in full? It was obviously a bad decision on someone's part to continuously borrow without any plan to return the money, so why now? Mayor Williams indicated that this was part of the discussion being held at this meeting to determine how to handle that balance and how to handle the same type of decision in the future.

This initiated discussion of the Sewer Fund debt. Mr. Fleetwood and Ms. Saleh reviewed the debt amounts incurred over the last several years and lengthy discussion regarding what led to the current totals as well as repayment options. In response to questions and comments from the Council, Ms. Saleh noted that sewer rates would not necessarily need to be increased to cover the debt. Discussion regarding writing-off or repaying the debt followed. Councilmember Purnell asked what Pigg, Krahll and Stern (PKS), the Town's auditors, recommended and Mr. Fleetwood read from the FY19 Management Letter, in which PKS recommended that the Town determine the amount of the loans and the ability to repay and write-off amounts that cannot reasonably be repaid.

Councilmember Tyndall initiated discussion regarding the total amount due to other funds from the General Fund and how that total is allocated. Lengthy discussion regarding interfund transfers followed, their impact(s) on the balance sheet and how the balance of these funds was handled at the

close-out of the fiscal year. Ms. Saleh indicated that these matters were addressed automatically according to recognized Government Accounting Standards.

Councilmember Tyndall asked if the accumulation of the Sewer Fund deficit could be broken down to determine when and how they occurred. Mayor Williams indicated that he believed that expenses related to the new spray irrigation were not sufficiently addressed in the rates being charged as per the recommendation of the consultants.

Councilmember Tyndall further indicated that he wished to be informed of how the debt incurred over the years; specifically, he wished to know at what point the Mayor and Council was informed of the specific numbers each year. Ms. Saleh indicated that this was part of the audit presentation. Councilmember Burrell asked what measures were in place to monitor expenditures through the year to keep within the budget. Mayor Williams noted that budgetary information was being provided throughout the year for the last few years, whereas in the past, issues were not really disclosed until the audit was presented. Discussion continued. Councilmember Burrell indicated that he did not wish to continue to discuss the past, but rather to look forward and determine how to avoid this situation in the future. Mayor Williams also asked that quarterly reports be made with projections as to the health of the various funds.

Discussion followed regarding what the amount for a three-month reserve would be.

Discussion followed regarding determining an appropriate amount of the sewer debt to write off. Ms. Saleh recommended writing off half the sewer debt and creating a plan over the next 10 years to establish the reserve policy.

Discussion continued. Councilmember Tyndall noted that, according to the handouts provided earlier in the meeting, aside from the funds reserved for the Community Center and Health Care, the Town had \$16,000 in unencumbered funds available for an emergency. He also indicated that he desired being better informed, with better descriptions, of potential deficits going forward. Lengthy discussion continued. Ms. Saleh offered to provide more information outside the meeting as the questions Councilmember Tyndall was asking were not related to the agenda items.

Mayor Williams asked that the items be placed back on the agenda for the August 10, 2020 meeting.

6. Discussion re: Community Parks and Playgrounds SFY22 Grant Application

Ms. Bohlen reminded the Mayor and Council that the Town had made applications to the Community Parks and Playgrounds Grant program over the last several years for both the lighting at the Henry Park Basketball Courts and for permanent restrooms at Stephen Decatur Park, but had not been successful. She indicated that she had followed-up with the program staff and had been told that, while both applications were good, the projects were not priorities. In response to a question from the Mayor, Ms. Bohlen noted that there was not a new project ready for application at this time. She noted that the Town could re-apply for either project or not apply in the current year, and spend the next year developing a new project. Brief discussion followed. Councilmember Tyndall asked if the matching funds were available in the current year's budget and Ms. Bohlen indicated that the funds would be for the FY 22 budget year.

Councilmember Burrell moved to re-apply for the Stephen Decatur Park Restrooms and work on developing a new project for the coming year. Approval was as follows:

Name	Counted toward Quorum				
	Aye	No	Abstain	Recused	Absent
Elroy Brittingham, VP	X				
Dean Burrell	X				
Troy Purnell	X				
Thom Gulyas	X				
Zackery Tyndall	X				
<i>Voting Tally</i>	5				

Ms. Bohlen indicated that she would present an application at the next meeting.

7. Motion 2020-19: Motion approving the waiver of fees and approval of park use for Worcester County Tennis Clinic

Ms. Bohlen indicated that the program was the same as what had been presented and approved in the spring for tennis clinics and drop-in tennis sessions, but which had been canceled due to the pandemic. The dates of the request were the only items changed.

Following brief discussion, Councilmember Brittingham moved to approve the request and approval was as follows:

Name	Counted toward Quorum				
	Aye	No	Abstain	Recused	Absent
Elroy Brittingham, VP	X				
Dean Burrell		X			
Troy Purnell	X				
Thom Gulyas	X				
Zackery Tyndall	X				
<i>Voting Tally</i>	4	1			

8. Departmental Reports:

Town Administrator Jeff Fleetwood presented the following Departmental Reports on behalf of the Department Directors:

a. Economic and Community Development Director – Director Ivy Wells

Director Ivy Wells had recently participated in a Zoom meeting regarding Farmers Markets, a new store was opening in the old PNC bank building – Life's Simple Pleasures – the pink ribbons downtown were for Peach Day, scheduled for Saturday August 1, 2020, and the logo on the downtown trash receptacles that had been received were incorrect and that the vendor would be replacing them. Small Town Throw Down was currently still scheduled for September 12, 2020.

b. Electric Department – Director Tim Lawrence

There had been many peak shaving events over the recent weeks. A ribbon cutting ceremony for the new generator was being planned.

- c. Planning – Director Dave Engelhart
Two Mayor and Council Public Hearings were scheduled for the August 10, 2020 Mayor and Council Meeting for rezoning applications.
 - d. Public Works – Superintendent Dave Wheaton
Street resurfacing projects are underway. Councilmember Brittingham asked why a portion of Flower Street had been completed, but not the rest and Mr. Fleetwood indicated that it was a scheduling decision on the part of the contractor based on differing aspects of the two sections. Mayor Williams asked how long the project was expected to continue and Mr. Fleetwood indicated that it would probably be 2-3 weeks. Councilmember Tyndall asked if the original proposal covered more of Harrison Avenue and asked if the remaining area would be addressed and Mr. Fleetwood indicated that the contract did not include beyond what had been completed, but that the area in question would be addressed, but he did not yet have a price. The contract price was per linear- foot.
 - e. Deputy Town Administrator – Mary Bohlen
Ms. Bohlen had nothing to report.
 - f. Finance Director – Natalie Saleh
Ms. Saleh had nothing to report.
- 9. Town Administrator’s Report – Jeffrey Fleetwood
Mr. Fleetwood had nothing to report.
 - 10. Comments from the Mayor:
Mayor Williams had no comments.
 - 11. Comments from the Council:
Vice-President Brittingham had no comments.

Councilmember Burrell asked that permits be categorized in the weekly reports and asked Mr. Fleetwood to thank Ms. Wells for the “25’ Hug” as noted on the banner on William Street.

Councilmember Tyndall had no comments.

Councilmember Purnell had no comments.

Councilmember Gulyas had no comments.
- 12. Comments from the Public – none.
 - 13. Comments from the Press – none.

14. Adjournment:

On the motion of Councilmember Burrell, the Mayor and Council meeting was adjourned at approximately 9:25 PM.

Name	Counted toward Quorum				
	Aye	No	Abstain	Recused	Absent
Elroy Brittingham, VP	X				
Dean Burrell	X				
Troy Purnell	X				
Thom Gulyas	X				
Zackery Tyndall	X				
<i>Voting Tally</i>	5				

Respectfully Submitted,



Mary T. Bohlen
Deputy Town Administrator



MOTION OF THE MAYOR AND COUNCIL 2020-20

A MOTION OF THE MAYOR AND COUNCIL OF THE TOWN OF BERLIN TO APPROVE AN APPLICATION TO THE COMMUNITY PARKS AND PLAYGROUNDS PROGRAM FOR SFY22 FOR PERMANENT RESTROOMS IN STEPHEN DECATUR PARK IN THE AMOUNT OF \$110,000.00 (GRANT REQUEST \$99,000, TOWN MATCH OF \$11,000).

APPROVED THIS _____ DAY OF _____, 2020 BY THE MAYOR AND COUNCIL OF THE TOWN OF BERLIN, MARYLAND BY AFFIRMATIVE VOTE OF _____ TO _____ OPPOSED, WITH _____ ABSTAINING.

Elroy Brittingham, Sr. Vice President

Approved this _____ day of _____, 2020 by the Mayor of the Town of Berlin.

Wm. Gee Williams, III, Mayor

ATTEST: _____
Jeff Fleetwood
Town Administrator

**Maryland Department of Natural Resources
Community Parks and Playgrounds (CP&P) Program**

Community Parks and Playgrounds Application and Project Agreement

CPP PROJECT # _____

(DNR Use Only)

1. PROJECT INFORMATION: Please fill out all sections of the form completely unless otherwise indicated.

PARK NAME Stephen Decatur Park

PROJECT NAME Permanent Restrooms

2. APPLICANT: Berlin

/ Worcester

(Municipality or Baltimore City)

(Specify County)

**3. APPLICANT'S
FEDERAL ID #:** 52-6000776

**LAST CP&P GRANT
ISSUED ON THIS SITE #** 6430-23-238

4. PROJECT LOCATION: Please identify all applicable parcels.

Street Address: 130 Tripoli Street

City/Town Berlin

County Worcester

Zip
Code 21811

County Tax Map 0302

Grid 0005

Parcel 0873

Lot _____

Tax Account ID (From SDAT) 03-031039

Legislative District 38

PROJECT DESCRIPTION: Descriptions are written into the agenda item, which is presented to the Maryland Board of Public

- 5.** Works for approval. Please explain the proposed project and be specific. Why is it being done and how does it relate to local recreation needs? Is it a new development or does it build upon an existing facility? Provide all of the information that you feel is necessary to explain and justify the project and to convince the approving agencies that it is a worthwhile project. Attach a separate sheet, if necessary.

This project will be for the purchase and complete installation of a permanent restroom building to improve and enhance the existing facilities at Stephen Decatur Park in Berlin. Currently the park has portable toilet units which are not aesthetically pleasing and are subject to vandalism and other mischief – such as tipping over.

Permanent restroom facilities are the number one requested amenity for Stephen Decatur Park. The park is enjoyed by thousands of visitors each month, particularly during the warmer months, and those visitors enjoy a variety of playground equipment, two walking trails, a pavilion and picnic facilities, and four tennis courts, which were completely refurbished in 2018 and primarily funded through CPP. The pavilion is reserved for use by companies, organizations and private persons every weekend throughout the summer and frequently during the week.

The restrooms will be professionally designed and very similar to the permanent restrooms funded in part by CPP at William Henry Park in 2017-2018. The building will consist of two ADA accessible restrooms which will include automatic lights, flush, faucets and hand-dryers. Town forces would be used for the appropriate site work to connect water, sewer and electric to the unit.

6. PROJECT FUNDING:

CP&P FUNDS REQUESTED: \$ 99,000 90 %

LOCAL FUNDS: \$ 11,000 10 %

OTHER FUNDS: \$ _____ % (Specify Source/Type) _____

TOTAL PROJECT COST: \$ 110,000 100 %

7. PROJECT PERIOD: From: _____ Date of Letter of Acknowledgement (DNR Use Only)

To: March 30, 2022

Estimated Date of Completion (Must be filled in by Applicant)

8. LOCAL PROJECT COORDINATOR:

Mary T. Bohlen	Deputy Town Administrator	Administration	Town of Berlin	
(Print Name)	(Title)	(Department)	(Organization)	
10 William Street	Berlin	MD	21811	
(Mailing Address)	(City)	(State)	(Zip)	
410-641-4314	443-235-0286	mbohlen@berlinmd.gov		
(Phone Number)	(Mobile Number)	(Email Address)		

9. ITEMIZED DETAILED COST ESTIMATE: Round to the nearest dollar.

ITEM NO.	ITEM DESCRIPTION	ESTIMATED COST
1.	Community Parks and Playgrounds Acknowledgement Sign Sample text: "A Maryland Department of Natural Resources, Community Parks and Playgrounds Program assisted project"	Inc. in construction
	Building Construction	60,000
	Site Work	10,000
	Utilities (water, sewer, electric)	20,000
	Engineering Design/Permitting	10,000
	Engineering CA/inspection	5,000
	Contingency	5,000
	TOTAL DEVELOPMENT COSTS:	110,000

10. LOCAL GOVERNMENT AUTHORIZATION:

Community Parks and Playgrounds projects are to be administered in accordance with the Program Open Space (POS) Grants Manual. As the authorized representative of this Political Subdivision, I read the terms of the "Project Agreement and General Conditions" of the POS Grants Manual and I agree to perform all work in accordance with the Manual, POS Law and Regulations, Special Conditions of the Community Parks and Playgrounds Program and with the attachments included herewith and made a part thereof.

Wm. Gee Williams, III

Mayor

(Signature)

(Print Name)

(Print Title)

(Date)

PROGRAM ADMINISTRATIVE REVIEW: (DNR Use Only)

11. ON-SITE INSPECTION DATE _____ BY _____

12. DEPARTMENT OF NATURAL RESOURCES APPROVAL:

(Signature)

(BPW Approval Date)

(Agenda Item No.)



MOTION OF THE MAYOR AND COUNCIL 2020-21

A MOTION OF THE MAYOR AND COUNCIL OF THE TOWN OF BERLIN APPROVING MARY BELLIS TO HOST A SPECIAL EVENT IN THE TOWN OF BERLIN FOR THE AMERICAN CANCER SOCIETY CALLED RELAY FOR LIFE OF NORTH WORCESTER LUMINARIA ON OCTOBER 3RD, 2020.

APPROVED THIS ____ DAY OF _____, 2020 BY THE MAYOR AND COUNCIL OF THE TOWN OF BERLIN, MARYLAND BY AFFIRMATIVE VOTE OF ____ TO ____ OPPOSED, WITH ____ ABSTAINING AND ____ ABSENT.

ELROY BRITTINGHAM, SR. VICE PRESIDENT

APPROVED THIS ____ DAY OF _____, 2020 BY THE MAYOR OF THE TOWN OF BERLIN.

WM. GEE WILLIAMS, III, MAYOR

ATTEST: _____
JEFFREY FLEETWOOD
TOWN ADMINISTRATOR



**SPECIAL EVENT
APPLICATION**



This form must be completed in order to hold an event in the Town of Berlin on public streets or property. Additional documents from the Town of Berlin, or another entity, may be required. Please provide as much information as possible. Form must be signed and appropriate contact information provided to be considered. "Same as last year" will not be accepted for any category.

Today's Date: 7/28/2020		Event Start time: 7:00 PM End time: 9:00 PM	Road Closure Start: End:
Requested Date(s) of the event: 10/3/2020			
Name of Event: Relay For Life of North Worcester Luminaria		*Location of Event: Main Street Berlin *If activity is in a Town park, a Parks Reservation form must be complete.	
Estimated number of attendees: Varies through evening			
Applicant Name: Mary Bellis		Applicant Cell Phone: 410-726-1893	
Sponsoring Organization or Business Name: American Cancer Society		Email: mary.bellis@cancer.org	
Person(s) to Contact Day of Event:	Name: Mary Bellis , Cell # 410-726-1893 Name: Dawn Hodge , Cell # 443-497-1198		
Description of event: Line curb edge of sidewalk with luminaria bags with names of cancer survivors and loved ones lost to cancer. This will be a drive through event. Donations for bags will be made in advance.			
If fundraiser, please indicate the beneficiary: Relay For Life of North Worcester - cancer research, programs and services			
How many and what types of vendors (ex. Food, craft, art, kids activity, etc.): No			
Will there be live music or a DJ? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No. If yes, what type of music no - radio broadcast passibly			
What is your plan for the following: <u>Marketing/Advertising:</u> Local radio, TV, Facebook pages, event website, local newspapers <u>Parking/Shuttle:</u>			
<u>Incllement weather:</u> reschedule for Sunday, October 4th. Same time			
The event sponsor hereby agrees to the following conditions: 1. The Town of Berlin, its representative(s) and/or agent(s) will be held harmless for any loss, damage, or liability incurred in connection with the event. 2. The event sponsor is appropriately insured. Proof of insurance may be required; if the event sponsor does not possess the appropriate insurance, the Town of Berlin may require the purchase of one-time event insurance through the Town of Berlin's insurance carrier. 3. The event sponsor will be responsible for any costs incurred by the Town as a result of damage done during the course of the event to Town-owned, rented, or leased properties. 4. The event sponsor and/or its participating vendors are responsible for obtaining any licenses, permits, rights-of-way, etc. for the event, including any permits required by the Worcester County Health Department, the State Highway Administration or any other agencies as appropriate. Any fees or other conditions associated with such will be the sole responsibility of the event sponsor and/or its participating vendors. 5. Activities must occur within the time frame(s) specified. It is the sponsoring organization's responsibility to ensure that vendors, performers, etc. do not set-up earlier than agreed, and will begin break-down of booths, equipment, etc. promptly. Vendors, etc. must be clear of the street/area within one hour of event ending. Private property remaining beyond one hour will be removed from the street.			
By my signature below I identify myself as the representative of the above-named organization and/or the individual responsible for adherence to the conditions as set forth.			
Signature: <u>Mary Bellis</u> Printed Name: Mary Bellis		Date: 7/28/2020	

DETAILS OF EVENT:

Shaded areas for office use only

Street Closure	Note: Location map is required detailing streets to be blocked. Additionally, a State Highway Administration Request for Road Closure may be required.		
Street closure?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Barricade locations must be marked on map.	
Blockage/Closure Time:	Start:	End:	State Highway Form submitted if applicable? <input type="checkbox"/>
Will on-street parking need to be cleared?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No 3pm - 10pm	Notes: # of barricades _____ Barricades to be dropped off: _____ Time/Date _____	No-Parking signs to be placed: _____ Time/date _____ Must be placed 24 hours prior to event.
Will parking areas need to be cleared/closed?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		

Electric	Note: The Electric Department will assist with completion of Service Form.		
Will there be vendors or activities requiring access to electricity?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Request for Electric Service form required including information from each vendor/activity requiring electric.	
		Request for Electric Form submitted? <input type="checkbox"/>	
Will there be banners to be hung?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	If yes, Request to Hang Banner form needed. Banner Form submitted? <input checked="" type="checkbox"/>	

Other Items/Services:		If applicable, items listed are in addition to those normally in place.				
Trash cans	<input type="checkbox"/> Yes <input type="checkbox"/> No	# Required _____	Trash cans to be placed: _____ Time/date _____			
Picnic Tables	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	# Required _____ Maximum: 5	To be placed: _____ Time/date _____			
Stage	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Location must be marked on map.	Stage to be placed: _____ Time/date _____			
Temporary Fencing	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Location must be marked on map.	Extensions needed: <input type="checkbox"/>			
Porta-potties	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	# Standard <u>2</u> # Accessible <u>1</u>	Porta-potties will be placed in the alley on Pitts Street: _____ Time/date _____			
Signs: Other than banners or parking	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Sponsor signs - put up and down on 10/3 - yard sign	Informational signs during the event not applicable.	Sign Permit may be required. Planning Office review _____ Date _____ Sign Permit needed/submitted? <input type="checkbox"/>			
Will there be vendors/individuals selling goods or services as part of the event?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Vendor's Application and Certification for Peddling and Soliciting will be required for EACH vendor participating in the event. If event/activity is in a municipal park a Business Use of Park Application will be required IN ADDITION to Vendor's Application and Certification for Peddling and Soliciting. Vendor's Permit(s) needed/submitted? <input type="checkbox"/>				
Additional Forms Required:		Yes	No	N/A	Date Rec'd	Initials
State Highway Administration Request for Road Closure						
Park Reservation Application and Permit						
Request for Electric Service						
Request for Banner Placement						
Sign Permit						
Vendor's Application and Certification for Peddling and Soliciting						
Business Use of Park Application						
Proof of Insurance						
Other:						

Approved by the Mayor and Council on the _____ day of _____, 20____. _____ For _____ Opposed _____ Abstain.



**SPECIAL EVENT
REQUEST TO HANG BANNER**



This form is in addition to the "Town Street Closure/Request for Services form". Banners to be hung must meet the specifications listed below. Form must be signed and appropriate contact information provided to be considered. "Same as last year" will not be accepted for any category.

Today's Date: 8/3/2020

Date(s) of the event: 10/3/2020

Dates banners to be hung: 9/18 to 10/5/2020
Please note: Hanging of banners is dependent on a number of factors, including weather, availability of personnel/equipment, and placement of banners for other events.

Name of Event: Relay For Life of North Worcester Luminaria Display

Contact Name: Mary Bellis

Contact Phone (Day): 410-726-1893

Sponsoring Organization American Cancer Society Email: mary.bellis@ cancer.org

Signature: Mary Bellis

Date: 8/3/2020

Printed Name: Mary Bellis

Banner Specifications:

1. Must be made of a strong, durable material with wind stabilizing holes cut into it.
2. Must have grommets every 2' along the top and bottom
3. Must not exceed 25' in length and be between 34" and 36" in width.

Available Locations: please check desired location(s)

- ☒ North Main & Harrison Ave (near Fire Company)
- ☐ South Main & Buckingham (near Worcester Preparatory)
- ☐ Bay & Flower Street
- ☐ William Street

NOTE:

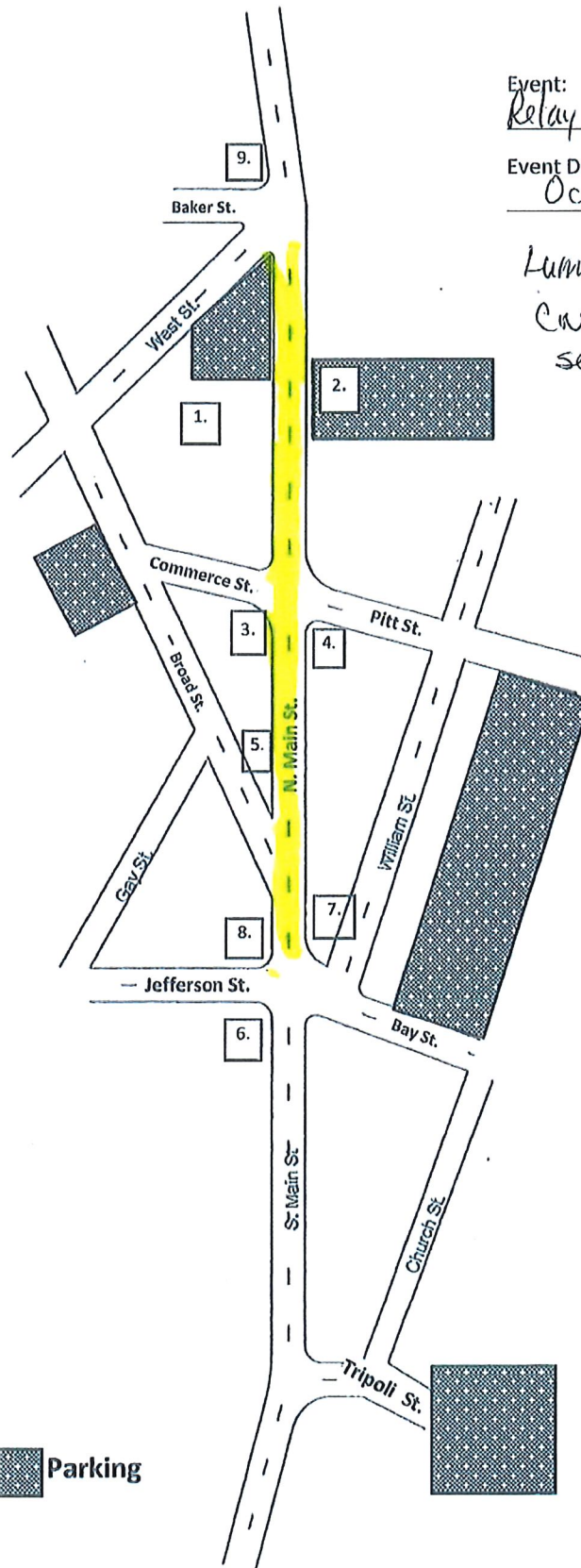
1. Suitable locations for banners are limited; the Town of Berlin cannot hang banners on private property/privately owned structures, poles, etc.
1. The Berlin Electric Department reserves the right to refuse to hang any banner for any reason within their discretion.
2. It is the responsibility of the organization to purchase and supply the banner(s).
3. The organization is responsible for delivering the banner to the Berlin Electric Department and for picking-up the banner after display. Banners not picked up within 30 days following the date of the event may be destroyed/disposed of.

Questions:

Electric Utility Director Tim Lawrence
410-629-1713
tlawrence@berlinmd.gov

Reviewed by the Electric Utility Department: Date: _____ Initials: _____

Comments _____



Luminaria Display
Event: Relay For Life of N. Worcester

Event Date: October 3, 2020

Luminaria Bags along
curb on highlighted
section.

Clean up for Relay For Life of North Worcester Luminaria Display

Main St., Berlin, MD October 3, 2020

We will remove our sponsor signs.

Luminaria bags and candles will be collected in trash bags. Sand that was used to weigh down the bags will be collected in buckets. Bags and buckets of sand will be removed by RFL.

Kelsey Jensen

From: Mary Bohlen
Sent: Wednesday, July 29, 2020 9:21 AM
To: Ivy Wells; Jeffrey Fleetwood; Kelsey Jensen
Cc: Allison Early
Subject: RE: American Cancer Society Luminaries on Main St in October

Awesome. Sounds good.



Mary Bohlen - Deputy Town Administrator
Town of Berlin

10 William Street, Berlin, MD 21811

Office: 410-641-4314 | Fax: 410-641-2316

mbohlen@berlinmd.gov | berlinmd.gov



Everyone Counts.
April 1 - July 31

census.maryland.gov or 2020census.gov

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From: Ivy Wells <iwells@berlinmd.gov>
Sent: Wednesday, July 29, 2020 9:19 AM
To: Mary Bohlen <mbohlen@berlinmd.gov>; Jeffrey Fleetwood <jfleetwood@berlinmd.gov>; Kelsey Jensen <kjensen@berlinmd.gov>
Cc: Allison Early <aearly@berlinmd.gov>
Subject: RE: American Cancer Society Luminaries on Main St in October

Got it. I will have Allison get this to you.

They are taking everything they bring with them – each luminaria has a name on it so they do not want to throw them away; they will use them elsewhere.

They were adamant about making sure they leave no trace that they were even here.



Ivy Wells - Economic & Community Development Director
Town of Berlin

10 William Street, Berlin, MD 21811

Office: 410-629-1722 | Fax: 410-641-2316

iwells@berlinmd.gov | berlinmd.gov



RESOLUTION NO. 2020-05

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE TOWN OF BERLIN, A
MUNICIPAL CORPORATION OF THE STATE OF MARYLAND,

To change the zoning classification of the properties known as Worcester County Tax Map Number 25, Parcel 411, consisting of approximately 3.218 acres, from B-1 Town Center District to B-2 Shopping District.

WHEREAS; On July 8, 2020 the Berlin Planning Commission reviewed and recommended these changes to the Berlin Mayor and Council by a unanimous motion;

AND WHEREAS on this date as indicated below, the Mayor and Council of the Town of Berlin did hold a duly advertised Public Hearing regarding this matter;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Town of Berlin as follows:

As recommended by the Berlin Planning Commission to change the zoning classification of the property known as Worcester County Tax Map Number 25, Parcel 411 consisting of approximately 3.218 acres, from B-1 Town Center District to B-2 Shopping District.

Approved this _____ day of _____, _____ by the Mayor and the Town of Berlin, Maryland, by affirmative vote of _____ to _____ opposed, with _____ abstaining and _____ absent.

Elroy Brittingham, Vice President

Approved this _____ day of _____, _____ by the Mayor and Town of Berlin.

ATTEST:

Wm. Gee Williams, III, Mayor

Jeffrey Fleetwood, Town Administrator



Findings of Fact

RE: Rezoning of Two Farms, Inc. property located at 10712 Ocean Gateway (U.S. Route 50) from B-1 Town Center District to B-2 Shopping District.

During its meeting held July 8, 2020 the Berlin Planning Commission unanimously passed a motion to recommend the rezoning of this parcel to the Mayor and Council for their consideration during a public hearing to be held August 10, 2020 as part of the regularly scheduled Mayor and Council meeting.

As required by MD Code, Land Use, Subsection 4-204, the Berlin Planning Commission made findings of fact that addressed the following:

1. Since the original zoning classification Berlin has seen an increase in population.
2. Public facilities are available and adjacent to the property.
3. Present and future transportation patterns are consistent with the proposed uses upon rezoning.
4. That the rezoning is compatible with existing and proposed development for the area.
5. The Planning Commission agreed that the original B-1 zoning upon annexation was a mistake considering all surrounding Worcester County are zoned C-2 Commercial, and adjoining parcels within the Berlin Town boundaries are B-2 zoning. The parcel was part of the annexation of Stephen Decatur High School's annexation which was zoned B-1 upon annexation.
6. The rezoning was found to be in compliance with the Comprehensive Plan.



RESOLUTION NO. 2020-06

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE TOWN OF BERLIN, A
MUNICIPAL CORPORATION OF THE STATE OF MARYLAND,

To change the zoning classification of the property known as Worcester County Tax Map Number 300, Parcel 1232, consisting of approximately 0.734 acres, from M-1 Light Industrial District to B-2 Shopping District.

WHEREAS; On July 8, 2020 the Berlin Planning Commission reviewed and recommended these changes to the Berlin Mayor and Council by a unanimous motion;

AND WHEREAS on this date as indicated below, the Mayor and Council of the Town of Berlin did hold a duly advertised Public Hearing regarding this matter;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Town of Berlin as follows:

As recommended by the Berlin Planning Commission to change the zoning classification of the property known as Worcester County Tax Map Number 300, Parcel 1232 consisting of approximately 0.734 acres, from M-1 Light Industrial District to B-2 Shopping District.

Approved this _____ day of _____, _____ by the Mayor and the Town of Berlin, Maryland, by affirmative vote of _____ to _____ opposed, with _____ abstaining and _____ absent.

Elroy Brittingham, Vice President

Approved this _____ day of _____, _____ by the Mayor and Town of Berlin.

ATTEST:

Wm. Gee Williams, III, Mayor

Jeffrey Fleetwood, Town Administrator



Findings of Fact

RE: Rezoning of Douglas and Suzanne Parks' property located at 115 Broad Street, requested by David Diehl, as contract buyer, from M-1 Light Industrial District to B-2 Shopping District.

During its meeting held July 8, 2020 the Berlin Planning Commission unanimously passed a motion to recommend the rezoning of this parcel to the Mayor and Council for their consideration during a public hearing to be held August 10, 2020 as part of the regularly scheduled Mayor and Council meeting.

As required by MD Code, Land Use, Subsection 4-204, the Berlin Planning Commission made findings of fact that addressed the following:

1. Since the original zoning classification Berlin has seen an increase in population.
2. Public facilities are available and adjacent to the property.
3. Present and future transportation patterns are consistent with the proposed uses upon rezoning.
4. That the rezoning is compatible with existing and proposed development for the area.
5. The Planning Commission agreed that the original M-1 Light Industrial zoning was no longer a compatible use considering the adjacent properties and that the neighboring area had seen significant changes over time. They also found that the proximity to the downtown commercial district made the uses permitted in the proposed B-2 zoning more appropriate for the location.
6. The rezoning was found to be in compliance with the Comprehensive Plan.



DRAFT RESOLUTION

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE TOWN OF BERLIN, ESTABLISHING A GENERAL FUND RESERVE POLICY.

Whereas, the Mayor and Council have the authority to set financial policies for the Town, and

Whereas, the Mayor and Council have determined a policy regarding the establishment and maintenance of General Fund Reserves is consistent with best practices in municipal finance, and

Whereas the Mayor and Council must establish reserves in a manner consistent with the Government Accounting Standards Board (GASB), and

Whereas, the Mayor and Council are able to immediately establish reserves required by grantors, bondholders and higher levels of government and continue the Employee Healthcare Reserve, and

Whereas, the Mayor and Council recognize the benefit of establishing additional reserve categories and target balances as goals to work toward, and

Whereas the Mayor and Council have established a plan to reach those target balances.

NOW THEREFORE, BE IT RESOLVED by the Mayor and Council of the Town of Berlin, Maryland that the following General Fund Reserve Policy is established:

Purpose

The Town will establish and maintain reserve balances to:

- (a) Guard its citizens against service disruptions in the event of economic uncertainties, local disasters and other financial hardships;
- (b) Provide for fluctuations in revenues and expenditures while ensuring adequate cash flow;
- (c) Enable the Town to implement innovative opportunities for the betterment of the community;
and
- (d) Demonstrate continued credit worthiness to bond rating agencies and the financial community.

General Fund Reserves

In compliance with GASB Statement No. 54, the General Fund shall contain reserves, which shall be classified as Restricted Fund Balance, Committed Fund Balance, Assigned Fund Balance, or Unassigned Fund Balance.

Reserves Established

The Town shall maintain minimum fund balances according to the requirements forth in this section.

- (a) Restricted Fund Balance shall be maintained as required by grantors, bondholders and higher levels of government.
- (b) Committed Fund Balance shall be maintained as follows:

There shall be an Employee Healthcare Reserve, in the amount of not less than \$300,000, to mitigate the increase in employee health care costs.

- (c) The Unassigned Fund Balance shall consist of the balance of all amounts not otherwise expended, encumbered, or reserved.

Reserve Categories and Target Balances

The Town shall transfer \$100,000 per year from Unassigned Fund Balance to obtain minimum fund balances according to the requirements and in the order set forth in this section.

- (1) There shall be a Budget Stabilization Reserve, in an amount sufficient to ensure continuity of Town General Fund operations for a three-month period.
- (2) There shall be a Capital Reserve in the amount of \$100,000 to pay for unplanned but essential capital projects.
- (3) There shall be a Debt Reduction Reserve, in an amount reasonably estimated to pay the Town's debt service (principal plus interest) on any outstanding, long term debt instruments for one year;
- (4) There shall be a Disaster Response and Recovery Reserve, in the amount of \$250,000, to pay the Town's cost of emergency repairs to or replacements of parts of the Town infrastructure damaged by any natural or man-made disaster, or to abate or prevent further damage to life or property.

The Budget Stabilization Reserve and Capital Reserve shall be designated as Assigned Fund Balance. The Debt Reduction Reserve and Disaster Response and Recovery Reserve shall be designated as Committed Fund Balance.

Transfer of Committed Fund Balance

- (a) On occurrence of a condition for which the Disaster Response and Recovery Reserve was created, the Town Administrator may transfer funds, up to the balance of such reserve, to the appropriate department or departments in the operating budget to abate the condition for which the reserve was created. Any such transfer shall be reported to the Mayor and Council in an open and public meeting within thirty days.
- (b) Except as provided above, no transfer shall be made from the Committed Fund Balance, e.g. the Debt Reduction Reserve, or Employee Healthcare Reserve, without expressed approval of the Mayor and Council given at an open and public meeting.
- (c) Committed Fund Balance shall not be replenished without express approval of the Mayor and Council given at an open and public meeting.

Use, Transfer and Replenishment of Assigned Fund Balance

- (a) No transfer shall be made from the Assigned Fund Balance, e.g. the Capital Reserve and the Budget Stabilization Reserve, without expressed approval of the Mayor and Council given at an open and public meeting.
- (b) Assigned Fund Balance shall not be replenished without express approval of the Mayor and Council given at an open and public meeting.

Transfer and Replenishment of Unassigned Fund Balance

(a) No transfer shall be made from the Unassigned Fund Balance without expressed approval of the Mayor and Council given at an open and public meeting.

(b) All appropriations that have not been expended, lawfully encumbered, or placed in another reserve, and all surplus revenues as of June 30 shall be placed in the Unassigned Fund Balance.

Report on Fund Balance Levels

(a) The Town Administrator shall report on the fund balance levels to the Mayor and Council as follows:

(1) During the annual budget adoption process, the Town Administrator shall project the ending fund balances and reserve levels; and

(2) When the auditor presents the Town's audited financial statements to the Mayor and Council, the Town Administrator shall report the actual fund balances as of the end of the fiscal year.

(b) At any time, if the Unassigned Fund Balance reduced to zero, or is projected to be reduced to zero within the fiscal year, the Town Administrator shall provide a report to the Mayor and Council, along with a plan to maintain the Unassigned Fund Balance with a positive balance.



MOTION OF THE MAYOR AND COUNCIL 2020-22

A MOTION OF THE MAYOR AND COUNCIL OF THE TOWN OF BERLIN REDUCING THE \$3,383,561.00 DEBT OWED FROM THE SEWER FUND TO THE GENERAL FUND BY _____% OR IN THE AMOUNT OF \$_____ AS DEBT RELIEF.

APPROVED THIS _____ DAY OF _____, 2020 BY THE MAYOR AND COUNCIL OF THE TOWN OF BERLIN, MARYLAND BY AFFIRMATIVE VOTE OF _____ TO _____ OPPOSED, WITH _____ ABSTAINING AND _____ ABSENT.

ELROY BRITTINGHAM, SR. VICE PRESIDENT

APPROVED THIS _____ DAY OF _____, 2020 BY THE MAYOR OF THE TOWN OF BERLIN.

WM. GEE WILLIAMS, III, MAYOR

ATTEST: _____
JEFFREY FLEETWOOD
TOWN ADMINISTRATOR



Town of Berlin

MEMORANDUM

July 7, 2020

To: Mayor and Members of the Town Council

From: Finance Director Natalie Saleh

Subject: **Sewer Fund Balance Borrowed from the General Fund**

This memorandum proposes a reduction of sewer fund balance owed to the general fund and explains the advantages of the balance reduction.

Sewer Fund Balance

1. Fund Accounting¹ – Historically, state and local governments have established separate funds to help ensure and demonstrate compliance with legal restrictions attached to the use of public money. This approach is called Fund Accounting.
2. Fund² – A separate fiscal and accounting entity used to segregate resources related to specific activities (e.g. money in the Electric Fund can only be used to fund activities associated with that function). Historically, funds were placed in separate bank accounts. Modern funds function essentially as categories for organizing information on assets and liabilities for accounting and budgetary purposes. The Town of Berlin has several funds: General Fund, Electric Fund, Water Fund, Sewer Fund, and Stormwater Fund. The General Fund is the Town's principal operating fund, which is consistent with most governments.
3. Fund balance increases and decreases depending on surplus or deficit of cash flow generated from operations. Deficit of cash flow creates borrowing from another fund. In the past, sewer fund cash flow was not sufficient to operate, cover capital expenditures, and satisfy the debt services. As a result, sewer fund borrowed from the general fund to cover the deficit. The amount due to the general fund has increased over the past five years, averaging \$500,000 per year.

¹ These definitions came from "An Elected Official's Guide to Fund Balance and Net Assets" published by Government Finance Officers Association (GFOA).

² These definitions came from "An Elected Official's Guide to Fund Balance and Net Assets" published by Government Finance Officers Association (GFOA).

4. Due from sewer fund to general fund balance ended fiscal year June 30, 2019³ :

Due to General Fund	2015	2016	2017	2018	2019
Beginning of the year	\$ 1,176,861	\$1,703,469	\$ 1,912,242	\$ 2,771,320	\$3,383,561
Borrowed from General Fund	526,608	208,773	859,078	612,241	
End of the year	\$1,703,469	\$ 1,912,242	\$ 2,771,320	\$3,383,561	\$3,383,561

5. Sewer fund balance due to the general fund as of June 30, 2019 is \$3.4 million. It is a part of the nonspendable fund balance of the general fund and is not be available to pay current and future expenditures.

Recommendations

- A. Reduce the amount owed from sewer fund to the general fund by \$1.7 million.
- B. Allocate the remainder of the sewer fund amount due to the general fund as an interfund loan to the general fund, causing an established and formal repayment plan.
- C. Establish an attainable ten-year repayment schedule to repay the interfund loan to the general fund.
- D. Include payments in the annual budget as debt service.

Reduction of the sewer fund amount due to the general fund will reduce the nonspendable amount of the general fund. It will provide a structured repayment plan with the date of the loan retirement.

If the recommendations are adapted, this will create a feasible and attainable approach to eliminate the sewer fund balance due to the general fund. It will allow to use sewer interfund loan repayments for future general fund operating, capital, and debt service expenditures.

³ Information from Audited financial statements prepared by PKS & Co. P.A.